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915-011.002-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of :
 Brian Davidson :
 Serial No. 10/523,544 : Examiner: Kwasi Karikari
 Filed: January 31, 2005 : Group Art Unit: 2686
 For: A PORTABLE DEVICE FOR CONNECTION TO THE PERSON

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF FOREIGN PATENT DOCUMENTS

Sir:

This letter is to acknowledge receipt of the Office Action mailed January 31, 2006 which is now being processed. Applicant expects to provide a response thereto in due course. In the meantime, it is noticed that six of the foreign patent documents listed on the Information Disclosure Citation Form for patent application (Form PTO-1449) filed with the application on January 31, 2005 have been crossed out by the Examiner and not initialed by the Examiner. One of these references (GB 2320397 A) has been listed on the Notice of References Cited (PTO-892) by the Examiner.

 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450

Marilyn O'Connell
 Marilyn O'Connell

Dated: February 7, 2006

Applicant does not believe that the crossing-out of the foreign patent documents by the Examiner is correct procedure. The Examiner is referred to the MPEP at Section 609A(3) which explains that the concise explanation of relevance required by Rule 98(a)(3)(i) is satisfied by the submission of a Search Report which contains an indication of relevance for instance by listing special categories of cited documents: "X", "Y" or "A" which applicant did submit by virtue of the International Search Report mailed December 5, 2003 by the Swedish Patent Office and submitted with the present application along with the IDS on January 31, 2005. It is also noted that in addition to the foreign patent documents themselves which were submitted in full, an English abstract was submitted for four of the documents (DE 10049965, FR 2818474, FR 2830108 and CN 1358042) which goes above and beyond the requirements of the Rules. Therefore, it appears that the Examiner is obliged to consider all six of these references and applicant submits herewith a blank copy of the original form PTO-1449 for the Examiner's initials. Applicant requests that the enclosed PTO-1449 be initialed by the Examiner next to each of these six foreign patent documents as follows:

DE 201 12 099
FR 2830108
GB 2320397
FR 2818474
DE 10049965
CN 1358042

Respectfully submitted,



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FJM/mo
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